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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,009	06/09/2000	Ashok K. Shukla		3502

7590 04/18/2002

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EXAMINER
THERKORN, ERNEST G

ART UNIT	PAPER NUMBER
1723	11

DATE MAILED: 04/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

TC-11

Office Action Summary

Application No.	Applicant(s)	
09/591,009	Shukla	
Examiner	**Art Unit**	
THERKORN	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on April 4, 2002.

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1, 2, 4, 5, 7-11, 13-16, and 20 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1, 2, 4, 5, 7-11, [redacted] 13-16, and 20 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7-11, 13-16, and 20 are rejected under 35 U.S.C. 102(E) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Valaskovic (U.S. Patent No. 6,190,559). The claims are considered to read on Valaskovic (U.S. Patent No. 6,190,559). However, if a difference exists between the claims and Valaskovic (U.S. Patent No. 6,190,559), it would reside in optimizing the elements of Valaskovic (U.S. Patent No. 6,190,559). It would have been obvious to optimize the elements of Valaskovic (U.S. Patent No. 6,190,559) to enhance separation.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valaskovic (U.S. Patent No. 6,190,559) in view of Sanford (U.S. Patent No. 5,589,063). At best, the claim differs from Valaskovic (U.S. Patent No. 6,190,559) in reciting use of multiple units. Sanford (U.S. Patent No. 5,589,063) (column 2, lines 11-18) discloses that use of an array of columns allows

automated processing without technician intervention. It would have been obvious to use an array of columns in Valaskovic (U.S. Patent No. 6,190,559) because Sanford (U.S. Patent No. 5,589,063) (column 2, lines 11-18) discloses that use of an array of columns allows automated processing without technician intervention.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valaskovic (U.S. Patent No. 6,190,559) in view of Golias (U.S. Patent No. 4,341,635). At best, the claim differs from Valaskovic (U.S. Patent No. 6,190,559) in reciting use of a piston. Golias (U.S. Patent No. 4,341,635) (column 3, lines 20-26) discloses that use of a plunger forms a pressure drop across the particles. It would have been obvious to use a plunger in Valaskovic (U.S. Patent No. 6,190,559) because Golias (U.S. Patent No. 4,341,635) (column 3, lines 20-26) discloses that use of a plunger forms a pressure drop across the particles.

The remarks urge patentability based upon the allegation that Valaskovic (U.S. Patent No. 6,190,559) requires sintering. However, on column 2, line 7, Valaskovic (U.S. Patent No. 6,190,559) indicates that sintering is only optional. One explanation why sintering is not required appears on column 6, lines 23-24. During evaporation the meniscus packs the slurry into a tight slug of material. On column 6, lines 64-67, Valaskovic (U.S. Patent No. 6,190,559) discloses vibration and/or slow rotation during evaporation promotes enhanced packing density. Accordingly, Valaskovic (U.S. Patent No. 6,190,559) does not require sintering.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (703) 308-0362.

Ernest G. Therkorn
Primary Examiner
Art Unit 1723

EGT/12
April 17, 2002